

Missouri Clean Water Commission
September 7, 2005
Capitol Plaza Hotel
Jefferson City, Missouri

Final Order of Rulemaking - Water Quality Standards

Issue: On September 7, 2005, the department will request the Commission's adoption of a Final Order of Rulemaking on changes to the Water Quality Standards. These changes are primarily in response to deficiencies identified by the Environmental Protection Agency and included in a letter dated September 8, 2000.

Background: The changes proposed to the Water Quality Standards are in (1)(C)8. to state all waters listed in Tables G and H will be designated for whole body contact recreation, (1)(C)9. to revise the definition of boating and canoeing and rename the use to secondary contact recreation, (1)(E) to add definition of catastrophic storm event, (1)(H) to add definition of early life stages, (1)/(L)/(N) to delete references to DGLS and replace it with DNR, (1)/(M)/(O) to add language to clarify mixing zone implementation, revise definitions of 7-day Q10 and 60-day Q10, and add definitions of 30-day Q10 and 1-day Q10, (1)(T) to add definition of reference lakes or reservoirs, (1)(W) to add definition of water effect ratio, (1)/(T)/(X) to clarify hardness definition regarding the twenty-fifth percentile, (1)(Z) to add definition of waters of the state, (2)(D) to add language for antidegradation policy implementation development, (4)(A)/3./ to remove language associated with site-specific dissolved oxygen, (4)(A)/5./4. to disallow mixing zone for streams with seven (7)-day Q10 low flows of less than 0.1 cfs and clarify that the use of mixing zones in Class C streams should be based on flow, (4)(A)/6./5. to add language for wetland specific criteria derivation methods, (4)(B)1. to remove language associated with site-specific criteria for Tables A and B, (4)(B)2.B. to change analysis method for metals in drinking water supplies, (4)(B)6. to add language referencing hardness dependant metals criteria for aquatic life in Table A, (4)(B)7. to add language explaining the revised total ammonia nitrogen criteria in Table B, (4)(C) to revise language for bacterial indicator change and bacterial high flow exemption, (4)(E) to clarify unit of measurement for pH, (4)(L)/3./ to remove language for sulfate and chloride site-specific criteria, (4)(R) to add language for site-specific criteria methods for all water quality criteria for the protection of aquatic life, (7) to revise language for Outstanding National Resource Waters to be consistent with the antidegradation policy, Table A to revise criteria and correct typographical mistakes, Table B to replace existing ammonia criteria with new criteria, Table C to correct minor errors, Table E to correct minor errors and add Bull Creek, Table G to correct minor errors and designate all waters for whole body contact recreation, Table H to correct minor errors and designate all waters for whole body contact recreation, and Table I to revise entries.

The department received numerous comments on these proposed changes. Contained within the draft Final Order of Rulemaking are summaries of those comments with the

department's recommended responses. In addition to comments on the rule, the department reviewing hundreds of letters and emails regarding the published Use Attainability Analyses (UAAs).

The department responded to the comments on the rule separately from the comments on the published UAAs. All comments received during the public comment period on the proposed rule (May 2 through July 14) and any UAAs completed before July 14 are addressed in the responses contained within the draft Final Order of Rulemaking. These comments are provided to the Commission under the label of "**Comments on Proposed Rule**".

Any comments received on the published UAAs will be presented to the Commission as a separate informational packet and will be under the label "**Comments on Published UAAs**". No changes to the proposed rule were made based on the comments received on the UAAs. However, the Commission may wish to consider these comments before a final decision is made on the Final Order of Rulemaking. Because of the large number (hundreds) of comments received on the UAAs, a summary of these comments will be presented to the Commission as a separate packet of information to assist in their consideration.

Recommended Action: The department requests the Commission's adoption of a Final Order of Rulemaking. The Commission may accept the recommendation of the department or amend them based upon comments received.

Suggested Motion Language: I move that the Commission adopt the Final Order of Rulemaking as presented by the department.

List of Attachments:

- ❑ Final Order of Rulemaking (ready for publication in the *Missouri Register*)
- ❑ Copies of comments received during the public comment period on the proposed rule